

AMENDED IN ASSEMBLY MARCH 16, 1998

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1624**

**Introduced by Assembly Member Figueroa**

January 5, 1998

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An act to amend, *repeal, and add* Section 21655.6 of the Vehicle Code, relating to highways.

LEGISLATIVE COUNSEL'S DIGEST

AB 1624, as amended, Figueroa. Highways: high-occupancy vehicle lanes.

(1) Existing law authorizes the Department of Transportation and local authorities, with respect to highways under their respective jurisdictions, to authorize or permit exclusive or preferential use of highway lanes for high-occupancy vehicles. Existing law also prohibits the department, pursuant to a specified federal law, from restricting or requiring the restriction of any lane on any federal-aid highway in the unincorporated areas of Alameda County to high-occupancy vehicles, except for approaches to controlled access highways, toll roads, or bridges.

This bill would delete that prohibition:

~~The bill also~~ *on the date that the federal law is repealed and, on that date,* would require the Metropolitan Transportation Commission, if the Department of Transportation restricts or requires the restriction of the use of any lane on any federal-aid highway in the unincorporated areas of Alameda County to high-occupancy vehicles, to review the use patterns

of those lanes and to determine if congestion relief is being efficiently achieved by the creation of the high-occupancy vehicle lanes. The bill also would require the commission to report its findings and recommendations in its HOV Master Plan Update for the San Francisco Bay area, as specified. Thus, because the bill would increase the duties and responsibilities of a local area planning agency, it would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 21655.6 of the Vehicle Code is  
2 amended to read:  
3 21655.6. (a) ~~Whenever the Department of~~  
4 ~~Transportation authorizes or permits exclusive or~~  
5 ~~preferential use of highway lanes for high-occupancy~~  
6 ~~vehicles on any highway located within the territory of a~~  
7 ~~transportation planning agency, as defined in Section~~  
8 ~~99214 of the Public Utilities Code, or a county~~  
9 ~~transportation commission, the department shall obtain~~  
10 ~~the approval of the transportation planning agency or~~  
11 ~~county transportation commission prior to establishing~~  
12 ~~the exclusive or preferential use of the highway lanes.~~  
13 (b) ~~If the department authorizes or permits additional~~  
14 ~~exclusive or preferential use of highway lanes for~~  
15 ~~high-occupancy vehicles on that portion of State~~

~~Highway Route 101 located within the boundaries of the City of Los Angeles, the department shall obtain the approval of the Los Angeles County Transportation Commission by at least a two-thirds majority vote of the entire membership eligible to vote prior to establishing the additional exclusion or preferential use of the highway lanes. For the purposes of this section, eight of the 11 voting members constitute a two-thirds majority of the commission.~~

21655.6. (a) Whenever the Department of Transportation authorizes or permits exclusive or preferential use of highway lanes for high-occupancy vehicles on any highway located within the territory of a transportation planning agency, as defined in Section 99214 of the Public Utilities Code, or a county transportation commission, the department shall obtain the approval of the transportation planning agency or county transportation commission prior to establishing the exclusive or preferential use of the highway lanes.

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(b) If the department authorizes or permits additional exclusive or preferential use of highway lanes for high-occupancy vehicles on that portion of State Highway Route 101 located within the boundaries of the City of Los Angeles, the department shall obtain the approval of the Los Angeles County Transportation Commission by at least a two-thirds majority vote of the entire membership eligible to vote prior to establishing the additional exclusion or preferential use of the highway lanes. For purposes of this section, eight of the 11 voting members constitute a two-thirds majority of the commission.

Pursuant

(c) Pursuant to Section 146 of the federal Surface Transportation Assistance Act of 1982 (P.L. 97-424), the department shall not restrict or require the restriction of the use of any lane on any federal-aid highway in the unincorporated areas of Alameda County to high-occupancy vehicles, exclusive of approaches to controlled access highways, toll roads, or bridges.

1 (d) This section shall remain operative only until the  
2 date that Section 146 of the federal Surface  
3 Transportation Assistance Act of 1982 (P.L. 97-424) is  
4 repealed and, as of that date is repealed, unless a later  
5 enacted statute that is enacted on or before that date  
6 deletes or extends the date on which this section becomes  
7 inoperative and is repealed.

8 SEC. 2. Section 21655.6 is added to the Vehicle Code,  
9 to read:

10 21655.6. (a) Whenever the Department of  
11 Transportation authorizes or permits exclusive or  
12 preferential use of highway lanes for high-occupancy  
13 vehicles on any highway located within the territory of a  
14 transportation planning agency, as defined in Section  
15 99214 of the Public Utilities Code, or a county  
16 transportation commission, the department shall obtain  
17 the approval of the transportation planning agency or  
18 county transportation commission prior to establishing  
19 the exclusive or preferential use of the highway lanes.

20 (b) If the department authorizes or permits additional  
21 exclusive or preferential use of highway lanes for  
22 high-occupancy vehicles on that portion of State  
23 Highway Route 101 located within the boundaries of the  
24 City of Los Angeles, the department shall obtain the  
25 approval of the Los Angeles County Transportation  
26 Commission by at least a two-thirds majority vote of the  
27 entire membership eligible to vote prior to establishing  
28 the additional exclusion or preferential use of the  
29 highway lanes. For purposes of this section, eight of the  
30 11 voting members constitute a two-thirds majority of the  
31 commission.

32 (c) If the department restricts or requires the  
33 restriction of the use of any lane on any federal-aid  
34 highway in the unincorporated areas of Alameda County  
35 to high-occupancy vehicles, the Metropolitan  
36 Transportation Commission (MTC) shall review the use  
37 patterns of those lanes and shall determine if congestion  
38 relief is being efficiently achieved by the creation of the  
39 high-occupancy vehicle lanes. The MTC shall report its  
40 findings and recommendations in its HOV Master Plan

1 Update for the San Francisco Bay area no later than two  
2 years after those high-occupancy vehicle lanes become  
3 operational.

4 *(d) This section shall become operative on the date*  
5 *that Section 146 of the federal Surface Transportation*  
6 *Assistance Act of 1982 (P.L. 97-424) is repealed.*

7 ~~SEC. 2.—~~

8 SEC. 3. Notwithstanding Section 17610 of the  
9 Government Code, if the Commission on State Mandates  
10 determines that this act contains costs mandated by the  
11 state, reimbursement to local agencies and school  
12 districts for those costs shall be made pursuant to Part 7  
13 (commencing with Section 17500) of Division 4 of Title  
14 2 of the Government Code. If the statewide cost of the  
15 claim for reimbursement does not exceed one million  
16 dollars (\$1,000,000), reimbursement shall be made from  
17 the State Mandates Claims Fund.

18 Notwithstanding Section 17580 of the Government  
19 Code, unless otherwise specified, the provisions of this act  
20 shall become operative on the same date that the act  
21 takes effect pursuant to the California Constitution.

